IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

Bail Appl..No. 6492 of 2006

LP.45/2006 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO.18/2005 OF AREEKODE POLICE STATION

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PETITIONER/ACCUSED NO.1

MUHAMMAD ARAFAT, S/O.ALAVI HAJI,
MOOLAKADAVAN HOUSE, PULPATTA P.O.,
MALAPPURAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
AREEKODE POLICE STATION, AREEKODE.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6492/2006

DATED THIS THE 3RD DAY OF NOVEMBER, 2006

O R D E R

The petitioner is the first accused in crime No.18/2005 of Areekode Police Station, for the offence punishable under Sections 143, 147, 148, 341, 323, 324 and 308 IPC read with Section 149 IPC. The petitioner was granted bail and he was undergoing the proceedings before the Court below. However, he was absconding. Therefore, the case against him is now pending as L.P.No.45/2006 on the file of the Judicial Magistrate of First Class-I, Manjeri.

2. The learned counsel for the petitioner submits that the petitioner was in Gulf, and he had not received the summons. It is also submitted that the case, in respect of other accused, had already been committed and the matter is pending before the Assistant Sessions Court, Manjeri, as S.C.No.18/2006 of that Court.

3. In the above facts situation, I direct the petitioner to surrender before the Judicial Magistrate of First Class-I, Manjeri, on 9.11.2006 at 11.00 a.m.

4. The learned Magistrate, on surrender of the petitioner, shall commit him to the Sessions Court immediately.

5. The Principal Sessions Judge, Manjeri, shall immediately make over the case so committed to the Assistant Sessions court, Manjeri, where the Sessions Case No.18/2006 is pending, so that the petitioner can face the trial before that court.

6. The learned Judicial Magistrate of First Class, Manjeri, shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, so that the petitioner would be available before that Court as well as before the Sessions Court, for facing the trial.

7. The conditions should include that the petitioner shall not leave the State of Kerala, till the final disposal of the Sessions case, and the passport of the petitioner shall made to be surrendered before the Court below, till such time.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs